

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WHITNEY NATIONAL BANK,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 4:08-0366
	§	
ANTHONY DELFRE,	§	
JOSEPH LOMBARDO AND	§	
PRIM CAPITAL,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

The plaintiff, Whitney National Bank, has filed a Motion for Entry of Judgment. Proper notice has been served and the defendants have had an opportunity to respond to the motion. Having considered the pleadings and affidavits on file, this court finds that Whitney National Bank is entitled to judgment as a matter of law on the promissory note and guaranty. Whitney National Bank has also shown that its reasonable fees incurred in pursuing this case are in the amount of \$4,435.63, through the date of this judgment.

It is therefore ORDERED that the plaintiff, Whitney National Bank, recover the following amounts from the defendants, Anthony Delfre and Joseph A. Lombardo, jointly and severally, the following:

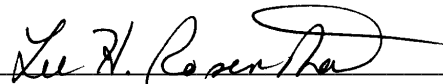
- 1) the principal amount of \$87,149.13;
- 2) interest on the principal amount of \$84,436.82 at 1.63% *per annum* from February 1, 2008, until fully paid; and

- 3) reasonable attorneys' fees in the amount of \$4,435.63, which will bear interest at 1.63% *per annum* from the date of judgment until fully paid.

The cross-claim filed by defendant Anthony Delfre is dismissed without prejudice.

The defendants will pay costs of court.

SIGNED on October 22, 2008, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge